



Administrative Office of the Courts

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Judicial Branch Plans in the Event there is no state budget

June 29, 2017. For Immediate Release, Portland Maine. Please see the attached documents that outline the immediate plans within the Judicial Branch in the event of a state shutdown. Two documents list the courthouses that will be open next week. This list is also pasted below.

Subsequent courthouse operation information will be provided, if the shutdown continues beyond next week, and will be posted on the Judicial Branch web page at: <http://www.courts.maine.gov/>.

Approximately half of Maine's 36 courthouses will be closed if there is a shutdown of state government. The number and location of open courthouses may vary, day to day, based on the kinds and the numbers of cases already previous scheduled and "noticed" to litigants, law enforcement, lawyers, government agencies and the public. Interested persons should call ahead and check the web page.

The memo from State Court Administrator Ted Glessner (pasted below and attached) describes the criteria used to determine which case types will be processed. In general, cases that raise constitutional liberty issues, including many criminal matters, and public health and safety issues, such as criminal, child protection, and protection from abuse will be heard, while most civil cases, including divorce and parental rights, small claims, evictions, and other general civil matters will be delayed until further notice, should state government shut down.

Online services to pay traffic tickets and court fines will not be operating in the event of a shutdown, because court staff will be unavailable to revoke arrest warrants previously issued for failure to pay fines, and also because Bureau of Motor Vehicles will not be open to reinstate drivers' licenses once fines are paid.

Throughout any shutdown, the Judicial Branch will continue to evaluate the need for essential court services. Any changes will be announced on the web page: <http://www.courts.maine.gov/>.

Memo from State Court Administrator, Ted Glessner (Attached and below):

The Maine State Legislature must enact a budget to be effective July 1st, 2017, to provide for the continued operation of State Government as of that date. At this moment, a budget has not yet been enacted, and there is a potential that State Government will shut down except for essential services at the end of the day on June 30.

Under these circumstances, the Governor can be expected to declare a state of civil emergency in which he will authorize certain Executive Branch activities as being essential during the state of emergency. If that occurs, the Chief Justice of the Supreme Judicial Court will issue an Order on Friday, June 30th, addressing emergency activities as they affect the operation of the Judicial Branch of State Government.

*That Order is expected to include the following. **Because this is a preliminary pronouncement, it is important to understand that changes may occur** before final announcement, and additional changes may occur if the shut-down extends into more than one week:*

- 1. **Court Clerks Offices** will only be open to the public on a limited basis, as set out in the attached charts, to ensure that the court can address those cases that have been designated by the Supreme Judicial Court as essential services.*
- 2. **At least one courthouse in each county will be open** to the public during normal hours, but services will be limited. A day-by-day designation of the courthouse open in each county is attached.*
 - a. In each county, all cases designated in section #4 below will be heard in the open courthouses identified in the attached chart.*
 - b. In a few counties, depending on the emergency needs, more than one courthouse may be open on certain days.*
 - c. In each county, all search warrants, arrest warrants, and requests for preliminary child protection orders will be handled in the open courthouses on the attached chart during regular business hours.*
 - d. Justices of the Peace will continue to be compensated for work regarding warrants, blue papers, and probable cause determinations during any shutdown.*
 - e. Bail Commissioner services will continue uninterrupted during any shutdown.*
- 3. The clerks' offices in the designated courthouses will be minimally staffed, entry screening will be in place where possible, and judges will be available in the designated open courthouse in each county. All other courthouses will be closed and unstaffed.*
- 4. **"Essential services"** within the Judicial Branch are those cases or proceedings that must proceed during a state of emergency in order to address **the immediate health, safety, or liberty** interests of the public.*

THE FOLLOWING DOCKETS OR CASE TYPES WILL BE HEARD.

Designated criminal matters, specifically:

- All proceedings in which the defendant or juvenile is in custody, to include arraignments, dispositional conferences, motions, jury selection, trials, etc.;
- Limited Proceedings in which the defendant or juvenile is not in custody, to include:
 - o murder trials,
 - o motions to revoke or amend bail or probation,
 - o scheduled arraignments, including the setting of bail and conditions of release;
- Grand Jury.

Designated civil and family matters, specifically:

- Protection from Abuse and Protection from Harassment, both requests for temporary orders and final hearings,
- Certain Child Protection Matters, including Requests for Preliminary Protection Orders, Summary Preliminary Hearings, and Jeopardy Hearings,
- Mental Health Commitment hearings and Involuntary Treatment proceedings,
- Civil injunctive relief addressing life or safety.

5. The following dockets or case types, while of importance to the citizens of Maine, are not in the nature of “essential services,” addressing the immediate health, safety, or liberty interests necessary to be considered essential in the initial phase of a state shutdown.

**THE FOLLOWING DOCKETS OR CASE TYPES WILL NOT BE HEARD,
except in case of emergency as determined by a judge on motion of a party.**

- Traffic Infractions (e.g. trials of speeding tickets);
- Civil Violations,
- Post Conviction Reviews,
- Adult, Family or Juvenile Drug Treatment Court cases, except for motions to amend or revoke bail,
- Child Protection Matters not included in section 4 above, including Judicial Reviews and Terminations of Parental Rights,
- Family Matters, including
 - o Adoptions, Guardianships, and Name Changes,
 - o Parentage,
 - o Emancipation,
 - o Parental Rights and Responsibilities,
 - o Divorce and Post-Divorce Proceedings
- Disclosures,
- Small Claims
- Forcible Entry and Detainers (evictions)
- Foreclosures, including mediation,
- All general civil matters, including matters on the Business and Consumer docket, professional malpractice matters, and other civil trials and cases.
- Law Court Oral Arguments

Threat to Health, Safety, or Liberty Interests.

If there is an immediate threat to the health, safety, or liberty interest of a party who would not otherwise be heard because of the shutdown, that party may seek hearing by

filing a motion with supporting information demonstrating the nature of the immediate threat.

*Communication to the public will be available on the Judicial Branch website:
<http://www.courts.maine.gov/>*

Courthouse Operating Schedule for the Week of July 3-7, 2017 (All other courthouses will be closed to the public, and may only be open upon order of the Chief Judge or Justice of the trial courts) (below & attached):

County	Monday, July 3rd
Androscoggin	District Court – Lewiston
Aroostook	District Court – Houlton District Court – Fort Kent
Cumberland	Cumberland County Courthouse – Portland
Franklin	District Court – Farmington
Hancock	Hancock County Courthouse – Ellsworth
Kennebec	Capital Judicial Center – Augusta
Knox	Knox County Courthouse – Rockland
Lincoln	Lincoln County Courthouse – Wiscasset
Oxford	District Court – South Paris
Penobscot	Penobscot Judicial Center – Bangor
Piscataquis	Piscataquis County Courthouse – Dover-Foxcroft
Sagadahoc	District Court – West Bath
Somerset	District Court – Skowhegan
Waldo	District Court – Belfast
Washington	District Court Calais
York	York County Courthouse – Alfred

County	Wednesday, July 5th
Androscoggin	District Court – Lewiston
Aroostook	District Court – Presque Isle District Court – Madawaska
Cumberland	Cumberland County Courthouse – Portland
Franklin	District Court – Farmington
Hancock	Hancock County Courthouse – Ellsworth
Kennebec	Capital Judicial Center – Augusta
Knox	Knox County Courthouse – Rockland
Lincoln	Lincoln County Courthouse – Wiscasset
Oxford	District Court – South Paris
Penobscot	Penobscot Judicial Center – Bangor District Court – Millinocket
Piscataquis	Piscataquis County Courthouse – Dover-Foxcroft
Sagadahoc	District Court – West Bath
Somerset	District Court – Skowhegan

Waldo	District Court – Belfast
Washington	District Court Calais
York	District Court - Biddeford

County	Thursday, July 6th
Androscoggin	Androscoggin County Courthouse – Auburn
Aroostook	Aroostook County Courthouse – Caribou
Cumberland	Cumberland County Courthouse – Portland
Franklin	District Court – Farmington
Hancock	Hancock County Courthouse – Ellsworth
Kennebec	Capital Judicial Center – Augusta
Knox	Knox County Courthouse – Rockland
Lincoln	Lincoln County Courthouse – Wiscasset
Oxford	Oxford County Courthouse – South Paris
Penobscot	Penobscot Judicial Center – Bangor
Piscataquis	Piscataquis County Courthouse – Dover-Foxcroft
Sagadahoc	District Court – West Bath
Somerset	District Court – Skowhegan
Waldo	District Court – Belfast
Washington	Washington County Courthouse – Machias
York	York County Courthouse – Alfred

County	Friday, July 7th
Androscoggin	District Court – Lewiston
Aroostook	District Court – Presque Isle
Cumberland	Cumberland County Courthouse – Portland
Franklin	District Court – Farmington
Hancock	Hancock County Courthouse – Ellsworth
Kennebec	Capital Judicial Center – Augusta
Knox	Knox County Courthouse – Rockland
Lincoln	Lincoln County Courthouse – Wiscasset
Oxford	Oxford County Courthouse – South Paris
Penobscot	Penobscot Judicial Center – Bangor
Piscataquis	Piscataquis County Courthouse – Dover-Foxcroft
Sagadahoc	District Court – West Bath
Somerset	District Court – Skowhegan
Waldo	District Court – Belfast
Washington	Washington County Courthouse – Machias
York	York County Courthouse – Alfred

MEMORANDUM

To: All Judicial Branch Employees
Key Stakeholders

From: James T. Glessner

Date: June 28, 2017

Re: Potential State Shutdown

The Maine State Legislature must enact a budget to be effective July 1st, 2017, to provide for the continued operation of State Government as of that date. At this moment, a budget has not yet been enacted, and there is a potential that State Government will shut down except for essential services at the end of the day on June 30.

Under these circumstances, the Governor can be expected to declare a state of civil emergency in which he will authorize certain Executive Branch activities as being essential during the state of emergency. If that occurs, the Chief Justice of the Supreme Judicial Court will issue an Order on Friday, June 30th, addressing emergency activities as they affect the operation of the Judicial Branch of State Government.

That Order is expected to include the following. **Because this is a preliminary pronouncement, it is important to understand that changes may occur** before final announcement, and additional changes may occur if the shut-down extends into more than one week:

1. **Court Clerks Offices** will only be open to the public on a limited basis, as set out in the attached charts, to ensure that the court can address those cases that have been designated by the Supreme Judicial Court as essential services.

2. **At least one courthouse in each county will be open** to the public during normal hours, but services will be limited. A day-by-day designation of the courthouse open in each county is attached for Monday, July 3rd, and Wednesday July 5th.

- a. In each county, all cases designated in section #4 below will be heard in the open courthouses identified in the attached chart.
- b. In a few counties, depending on the emergency needs, more than one courthouse may be open on certain days.
- c. In each county, all search warrants, arrest warrants, and requests for preliminary child protection orders will be handled in the open courthouses on the attached chart during regular business hours.
- d. Justices of the Peace will continue to be compensated for work regarding warrants, blue papers, and probable cause determinations during any shutdown.
- e. Bail Commissioner services will continue uninterrupted during any shutdown.

3. The clerks' offices in the designated courthouses will be minimally staffed, entry screening will be in place where possible, and judges will be available in the designated open courthouse in each county. All other courthouses will be closed and unstaffed.

4. **“Essential services”** within the Judicial Branch are those cases or proceedings that must proceed during a state of emergency in order to address **the immediate health, safety, or liberty** interests of the public.

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- Family Matters, including
 - Adoptions, Guardianships, and Name Changes,
 - Parentage,
 - Emancipation,
 - Parental Rights and Responsibilities,
 - Divorce and Post-Divorce Proceedings
- Disclosures,
- Small Claims

- Forcible Entry and Detainers (evictions)
- Foreclosures, including mediation,
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Communication to the public will be available on the JB website

<http://www.courts.maine.gov/>.

Open Courthouses During Potential Shutdown

County	Monday, July 3 rd
Androscoggin	District Court – Lewiston
Aroostook	District Court – Houlton District Court – Fort Kent
Cumberland	Cumberland County Courthouse – Portland
Franklin	District Court – Farmington
Hancock	Hancock County Courthouse – Ellsworth
Kennebec	Capital Judicial Center – Augusta
Knox	Knox County Courthouse – Rockland
Lincoln	Lincoln County Courthouse – Wiscasset
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Waldo	District Court – Belfast
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Hancock	Hancock County Courthouse – Ellsworth
Kennebec	Capital Judicial Center – Augusta
Knox	Knox County Courthouse – Rockland
Lincoln	Lincoln County Courthouse – Wiscasset
Oxford	District Court – South Paris
Penobscot	Penobscot Judicial Center – Bangor District Court – Millinocket
Piscataquis	Piscataquis County Courthouse – Dover-Foxcroft
Sagadahoc	District Court – West Bath
Somerset	District Court – Skowhegan
Waldo	District Court – Belfast
Washington	District Court Calais
York	District Court - Biddeford

Open Courthouses During Potential Shutdown
Current Schedule for July 6th & 7th, 2017

County	Thursday, July 6 th
Androscoggin	Androscoggin County Courthouse – Auburn
Aroostook	Aroostook County Courthouse – Caribou
Cumberland	Cumberland County Courthouse – Portland
Franklin	District Court – Farmington
Hancock	Hancock County Courthouse – Ellsworth
Kennebec	Capital Judicial Center – Augusta
Knox	Knox County Courthouse – Rockland
Lincoln	Lincoln County Courthouse – Wiscasset
Oxford	Oxford County Courthouse – South Paris
Penobscot	Penobscot Judicial Center – Bangor
Piscataquis	Piscataquis County Courthouse – Dover-Foxcroft
Sagadahoc	District Court – West Bath
Somerset	District Court – Skowhegan
Waldo	District Court – Belfast
Washington	Washington County Courthouse – Machias
York	York County Courthouse – Alfred

County	Friday, July 7 th
Androscoggin	District Court – Lewiston
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Knox	Knox County Courthouse – Rockland
Lincoln	Lincoln County Courthouse – Wiscasset
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Waldo	District Court – Belfast
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